

Appl. No. 10/816,578  
Amdt. Dated January 8, 2008  
Reply to Office action of March 31, 2008

**Amendments to the Drawings:**

No amendments to the drawings.

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## **REMARKS/ARGUMENTS**

### *Amendments to the Claims*

Applicant has amended claims 1, 4-5, 7, 10-11, 13, and 16-17. Claims 3, 9 and 15 are canceled by this amendment. Portions of the amended claims are reproduced and all amendments to the claims are discussed below.

**Claim 1** is amended to include the limitation of a “Digital Decision Point Database (DPPD)” brought forward from the now canceled claim 3.

“... said optical stereo image database, comprising a first image and a second image wherein said optical stereo image database is a Digital Point Positioning Database (DPPDB); “

**Claim 4** is amended to delete the limitation of “a Global Positioning System (GPS) receiver”.

**Claim 5** is amended to correctly spell the word “military”.

**Claim 7** is amended to include the limitation of a “Digital Decision Point Database (DPPD)” brought forward from the now canceled claim 9.

“... said optical stereo image database, comprising a first image and a second image wherein said optical stereo image database is a Digital Point Positioning Database (DPPDB); “

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**Claim 10** is amended to delete the limitation of “a Global Positioning System (GPS) receiver”.

**Claim 11** is amended to correctly spell the word “military”.

**Claim 13** is amended to include the limitation of a “Digital Decision Point Database (DPPD)” brought forward from the now canceled claim 15.

“...comprising a first image and a second image wherein said optical stereo image database is a Digital Point Positioning Database (DPPDB); “

**Claim 16** is amended to delete the limitation of “a Global Positioning System (GPS) receiver”.

**Claim 17** is amended to correctly spell the word “military”.

*Claim Rejections – 35 USC § 102(b)*

Applicant now addresses the Examiner’s rejections of claims 1-18 under 35 USC § 102(b) relative to the Alexander (US Patent Number 6,083,353) reference.

**Regarding claim 1**, Applicant has amended claim 1 at lines 6-7 by including the limitation of a “Digital Decision Point Database (DPPDB)” that is brought forward from canceled claim 3. Referencing applicant’s specification at page 8, lines 7-11, “DPPDB is a stereo image based product having parametric support data, compressed reference graphics and high resolution optical imagery stereo pair sets each covering a 60 x 60 nautical mile area”. The

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accuracy of the calculated distance between a reference point and a target point using the Applicant's apparatus is solely dependent upon the data contained within the DPPDB.

The Alexander reference has an accuracy that is "achieved by sliding the cameras out to a wider spacing and/or attaching telephoto lenses to the cameras", reference column 6, lines 65-67. The Alexander reference also relies on a "Rotation of the lenses such that each points toward the object under study [to] allow a more precise determination of the distance to an object", reference column 8, lines 25-30. Due to the reference's lack of high quality optical data, DPPDB, the reference relies on a combination of additional cameras, manual manipulation of lenses and software programming to improve the accuracy of the distance measurements. The DPPDB element of Applicant's claim 1 is not disclosed in the reference.

The Examiner has referenced figures 1-4 and figure 7 of the Alexander reference as asserts that they anticipate the Applicant's apparatus. Applicant respectfully asserts that figures 1 and 2 do not depict any hardware or software for supporting a DPPDB as required by the Applicant's apparatus. Applicant respectfully asserts that figure 3 depicts an embedded controller processor that will not support the gigahertz processing speed nor gigabytes of memory required to store and process a DPPDB. Applicant respectfully asserts that figure 4 is inapplicable since the Applicant's apparatus does not describe nor claim a digital compass inclinometer. Applicant respectfully asserts that figure 7 is inapplicable since the Applicant's apparatus does not describe nor claim a handheld display system using any of the components depicted.

According to the Federal Circuit, "[a]nticipation requires the disclosure in a single

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prior art reference of each element of the claim under consideration”, *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant’s apparatus is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw rejection of claim 1 under 35 USC § 102(b).

**Regarding claim 2**, Applicant discloses and claims a portable computing device comprising a Panasonic Toughbook laptop computer or a Dell Inspiron laptop computer. The Alexander reference discloses an “integrated handheld field digital mapping device”. Laptop computers differ from handheld devices not only in physical size but in the increased amount of memory and increased processing speed. The increased memory and increased processing speed of the laptops are crucial to handling the DPPDB of claim 1.

Applicant asserts that the reference lacks the structure of the Applicant’s claimed apparatus and that the disclosed elements of the reference are not suitable for practicing the Applicant’s apparatus. According to the Federal Circuit, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration”, *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant’s apparatus is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw rejection of claim 2 under 35 USC § 102(b).

**Regarding claim 3**, Applicant has canceled claim 3.

**Regarding claim 4**, Applicant has deleted the Global Positioning system (GPS)

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receiver element. Applicant asserts that the remaining elements: “an Advanced Targeting Forward Looking Radar (ATFLIR) image, a Low Altitude Navigation and Targeting Infrared for Night (LANTIRN) pod, or the FalconView mapping system” are not described in the reference. Specifically referencing figure 6 of Alexander, it does not depict the remaining elements and the specification at column 2, lines 54-65, do not describe the remaining elements.

Applicant asserts that the reference lacks the structure of the Applicant’s claimed apparatus. According to the Federal Circuit, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration”, *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant’s apparatus is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw rejection of claim 4 under 35 USC § 102(b).

**Regarding claim 5**, Applicant discloses and claims geodetic coordinates that are in the World Geodetic System 1984 (WGS-84), the Military Grid Reference System (MGRS), or other like systems. The reference at column 13, lines 25-38 does not use or describe military grade geodetic coordinate data. In fact, the abstract of the reference specifically calls out field of use applications not requiring military grade resolution: environmental sampling, surveying, agricultural field data collection, property appraisal, law enforcement, and construction inspection.

Applicant asserts that the reference lacks the required resolution of input data as required by the Applicant’s claimed apparatus. According to the Federal Circuit, “[a]nticipation

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requires the disclosure in a single prior art reference of each element of the claim under consideration”, *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant’s apparatus is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw rejection of claim 5 under 35 USC § 102(b).

**Regarding claim 6**, Applicant discloses and claims a Reference Point Method (RPM) for correcting the geodetic coordinate data provided in the WGS-84 and the MGRS formats. The RPM is described as a software process in the Applicant’s specification beginning at page 13, line 9 and ending at page 14, line 8. The Alexander reference cited by the Examiner (column 7, lines 10-38) does not describe any process to correct geodetic coordinate data that exists in any type of format.

Applicant asserts that the reference lacks the process to correct geodetic coordinate data as required by the Applicant’s claimed apparatus. According to the Federal Circuit, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration”, *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant’s apparatus is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw rejection of claim 6 under 35 USC § 102(b).

**Regarding claim 7**, Applicant has amended claim 7 by including the limitation of a “Digital Decision Point Database (DPPDB)” that is brought forward from canceled claim 9.

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Referencing applicant's specification at page 8, lines 7-11, "DPPDB is a stereo image based product having parametric support data, compressed reference graphics and high resolution optical imagery stereo pair sets each covering a 60 x 60 nautical mile area". The accuracy of the calculated distance between a reference point and a target point using the Applicant's method is solely dependent upon the data contained within the DPPDB.

The Alexander reference has an accuracy that is "achieved by sliding the cameras out to a wider spacing and/or attaching telephoto lenses to the cameras", reference column 6, lines 65-67. The Alexander reference relies on a "Rotation of the lenses such that each points toward the object under study [to] allow a more precise determination of the distance to an object", reference column 8, lines 25-30. Due to the reference's lack of high quality optical data, DPPDB, the reference relies on a combination of additional cameras, manual manipulation of lenses and software programming to improve the accuracy of the distance measurements. The DPPDB element of Applicant's claim 7 is not disclosed in the reference.

The Examiner has referenced figures 1-4 and figure 7 of the Alexander reference as asserts that they anticipate the Applicant's method. Applicant respectfully asserts that figures 1 and 2 do not depict any method for supporting a DPPDB as required by the Applicant's method. Applicant respectfully asserts that figure 3 depicts an embedded controller processor that will not support the gigahertz processing speed nor gigabytes of memory required to store and process a DPPDB. Applicant respectfully asserts that figure 4 is inapplicable since the Applicant's method does not describe nor claim a digital compass inclinometer. Applicant respectfully asserts that



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figure 7 is inapplicable since the Applicant's method does not describe nor claim a handheld display system using any of the components depicted.

According to the Federal Circuit, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration", *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant's apparatus is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw rejection of claim 7 under 35 USC § 102(b).

**Regarding claim 8**, Applicant discloses and claims a method of using a portable computing device comprising a Panasonic Toughbook laptop computer or a Dell Inspiron laptop computer with respect to claim 7. The Alexander reference discloses an "integrated handheld field digital mapping device". Laptop computers differ from handheld devices not only in physical size but in the increased amount of memory and increased processing speed. The increased memory and increased processing speed of the laptops are crucial to the method of using the DPPD of claim 7.

Applicant asserts that the reference lacks the structure of the Applicant's claimed method and that the disclosed steps of the reference are not suitable for practicing the Applicant's method. According to the Federal Circuit, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration", *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant's apparatus is anticipated by the Alexander reference for the foregoing reasons.

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Applicant requests that the Examiner withdraw rejection of claim 8 under 35 USC § 102(b).

**Regarding claim 9**, Applicant has canceled claim 9.

**Regarding claim 10**, Applicant has deleted the Global Positioning system (GPS) receiver element. Applicant asserts that the remaining elements: “an Advanced Targeting Forward Looking Radar (ATFLIR) image, a Low Altitude Navigation and Targeting Infrared for Night (LANTIRN) pod, or the FalconView mapping system” are not described in the reference. Specifically referencing Alexander, figure 6 does not depict the remaining elements and the specification at column 2, lines 54-65, do not describe the remaining elements or steps.

Applicant asserts that the reference lacks the steps of the Applicant’s claimed method. According to the Federal Circuit, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration”, *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant’s method is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw rejection of claim 10 under 35 USC § 102(b).

**Regarding claim 11**, Applicant discloses and claims geodetic coordinates that are in the World Geodetic System 1984 (WGS-84), the Military Grid Reference System (MGRS), or other like systems. The reference at column 13, lines 25-38 does not use or describe military grade geodetic coordinate data. In fact, the abstract of the reference specifically calls out field of use applications not requiring military grade resolution: environmental sampling, surveying, agricultural field data collection, property appraisal, law enforcement, and construction

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inspection.

Applicant asserts that the reference lacks the required resolution of input data as required by the Applicant's claimed method. According to the Federal Circuit, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration", *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant's method is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw rejection of claim 11 under 35 USC § 102(b).

**Regarding claim 12**, Applicant discloses and claims a Reference Point Method (RPM) for correcting the geodetic coordinate data provided in the WGS-84 and the MGRS formats. The RPM is described as a software process in the Applicant's specification beginning at page 13, line 9 and ending at page 14, line 8. The Alexander reference cited by the Examiner (column 7, lines 10-38) does not describe any process or method to correct geodetic coordinate data that exists in any type of format.

Applicant asserts that the reference lacks the process to correct geodetic coordinate data as required by the Applicant's claimed method. According to the Federal Circuit, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration", *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant's method is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw

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rejection of claim 12 under 35 USC § 102(b).

**Regarding claim 13**, Applicant has amended claim 13 by including the limitation of a Digital Decision Point Database (DPPD) that is brought forward from canceled claim 15. Referencing applicant's specification at page 8, lines 7-11, "DPPD is a stereo image based product having parametric support data, compressed reference graphics and high resolution optical imagery stereo pair sets each covering a 60 x 60 nautical mile area". This descriptive language relating to the DPPDB is also included in amended claim 13. The accuracy of the calculated distance between a reference point and a target point using the Applicant's computer program product is solely dependent upon the data contained within the DPPDB.

The Alexander reference has an accuracy that is "achieved by sliding the cameras out to a wider spacing and/or attaching telephoto lenses to the cameras", reference column 6, lines 65-67. The Alexander reference relies on a "Rotation of the lenses such that each points toward the object under study [to] allow a more precise determination of the distance to an object", reference column 8, lines 25-30. Due to the reference's lack of high quality optical data, DPPDB, the reference relies on a combination of additional cameras, manual manipulation of lenses and software programming to improve the accuracy of the distance measurements. The DPPDB element of Applicant's claim 13 is not disclosed in the reference.

The Examiner has referenced figures 1-4 and figure 7 of the Alexander reference as asserts that they anticipate the Applicant's computer program product. Applicant respectfully asserts that figures 1 and 2 do not depict any hardware or software for supporting a DPPDB as

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required by the Applicant's computer program product. Applicant respectfully asserts that figure 3 depicts an embedded controller processor that will not support the gigahertz processing speed nor gigabytes of memory required to store and process a DPPDB. Applicant respectfully asserts that figure 4 is inapplicable since the Applicant's computer program product does not describe nor claim a digital compass inclinometer. Applicant respectfully asserts that figure 7 is inapplicable since the Applicant's computer program product does not describe nor claim a handheld display system using any of the components depicted.

According to the Federal Circuit, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration", *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant's computer program product is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw rejection of claim 13 under 35 USC § 102(b).

**Regarding claim 14**, Applicant discloses and claims a portable computing device comprising a Panasonic Toughbook laptop computer or a Dell Inspiron laptop computer. The Alexander reference discloses an "integrated handheld field digital mapping device". Laptop computers differ from handheld devices not only in physical size but in the increased amount of memory and increased processing speed. The increased memory and increased processing speed of the laptops are crucial to handling the DPPDB of claim 13.

Applicant asserts that the reference lacks the structure of the Applicant's claimed

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computer program product and that the disclosed elements of the reference are not suitable for practicing the Applicant's apparatus. According to the Federal Circuit, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration", *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant's computer program product is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw rejection of claim 14 under 35 USC § 102(b).

**Regarding claim 15**, Applicant has canceled claim 15.

**Regarding claim 16**, Applicant has deleted the Global Positioning system (GPS) receiver element. Applicant asserts that the remaining elements: "an Advanced Targeting Forward Looking Radar (ATFLIR) image, a Low Altitude Navigation and Targeting Infrared for Night (LANTIRN) pod, or the FalconView mapping system" are not described in the reference. Specifically referencing Alexander, figure 6 does not depict the remaining elements and the specification at column 2, lines 54-65, do not describe the remaining elements.

Applicant asserts that the reference lacks the structure of the Applicant's claimed computer program product. According to the Federal Circuit, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration", *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant's computer program product is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw

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rejection of claim 16 under 35 USC § 102(b).

**Regarding claim 17**, Applicant discloses and claims geodetic coordinates that are in the World Geodetic System 1984 (WGS-84), the Military Grid Reference System (MGRS), or other like systems. The reference at column 13, lines 25-38 does not use or describe military grade geodetic coordinate data. In fact, the abstract of the reference specifically calls out field of use applications not requiring military grade resolution: environmental sampling, surveying, agricultural field data collection, property appraisal, law enforcement, and construction inspection.

Applicant asserts that the reference lacks the required resolution of input data as required by the Applicant's claimed computer program product. According to the Federal Circuit, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration", *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant's computer program product is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw rejection of claim 17 under 35 USC § 102(b).

**Regarding claim 18**, Applicant discloses and claims a Reference Point Method (RPM) for correcting the geodetic coordinate data provided in the WGS-84 and the MGRS formats. The RPM is described as a software process in the Applicant's specification beginning at page 13, line 9 and ending at page 14, line 8. The Alexander reference cited by the Examiner (column 7, lines 10-38) does not describe any process to correct geodetic coordinate data that exists in any

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type of format.

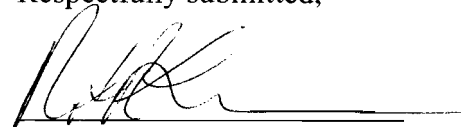
Applicant asserts that the reference lacks the process to correct geodetic coordinate data as required by the Applicant's claimed computer program product. According to the Federal Circuit, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration", *W. L. Gore & Associates, Inc. v. Garlock Inc.* 220 USPQ 313. Applicant respectfully traverses the examiners rejection that the Applicant's computer program product is anticipated by the Alexander reference for the foregoing reasons. Applicant requests that the Examiner withdraw rejection of claim 18 under 35 USC § 102(b).

*Summary*

Claims 1, 4-5, 7, 10-11, 13, 16-17 are amended herein. Claims 2, 6, 8, 12, 14, and 18 are original. Claims 3, 9, and 15 have been canceled with this amendment. Therefore claims 1-2, 4-8, 10-14, and 16 -18 are before the Examiner for prosecution on the merits.

In view of the foregoing remarks it is respectfully submitted that the application is in a condition for allowance. Accordingly, the prompt issuance of this application is earnestly solicited.

Respectfully submitted,



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